



### **JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, Title 35 United States Code, particularly §§ 271 and 281. This Court has jurisdiction over the claims for patent infringement under 28 U.S.C. § 1338(a). Venue is proper in this Court under Title 28 United States Code §§ 1391 (b) and (c) and 1400 (b).

### **THE PATENT**

4. On June 9, 2005, Brian W. Carr, Scott A. Sporrer, Donald F. Handorf, and Peter B. Moore filed an application for a United States patent for a “Distance Measuring Device For Planter.” Resulting from this application, U.S. Patent No. 7,337,733 B2 (‘the ‘733 patent) was duly and legally issued on March 4, 2008. A copy of the ‘733 patent is attached as Exhibit A.

5. By Assignment, ALMACO is the owner of the ‘733 patent and has the right to enforce the ‘733 patent and collect damages for all relevant times.

6. The ‘733 patent relates to an apparatus mounted to a planter and used to measure distance while planting crops.

7. Pursuant to 35 U.S.C. § 282, the ‘733 patent is presumed valid.

### **CLAIMS FOR PATENT INFRINGEMENT**

8. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 7.

9. SRES manufactures and sells a device known as a distance measuring device. In manufacturing and selling this device, SRES is infringing directly, by inducement, or by contributing to the infringement of at least one or more claims of the ‘733 patent.

10. As a result of Defendant’s infringing conduct, the Defendant has damaged ALMACO. SRES is liable to ALMACO in an amount that adequately compensates ALMACO

for SRES's infringement, which by law, can in no event be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

11. As a consequence of SRES's infringement of the '733 patent, ALMACO has been irreparably damaged and such damage will continue without the issuance of an injunction by this Court under 35 U.S.C. § 283.

12. The infringement by SRES has been willful and deliberate.

**PRAYER FOR RELIEF**

WHEREFORE, ALMACO prays for entry of judgment:

- a. That U.S. Patent No. 7,337,733 has been infringed by SRES and others whose infringement has been contributed to or induced by SRES;
- b. That a permanent injunction be issued enjoining SRES and those in privity with SRES from further infringement of the '733 patent until the date of the patent's expiration;
- c. That SRES account for and pay to ALMACO all damages and costs caused by SRES's activities complained of herein;
- d. That ALMACO be granted pre-judgment and post-judgment interest on the damages caused by reason of SRES's activities complained of herein;
- e. That this case be determined exceptional under 35 U.S.C. § 285;
- f. That ALMACO be granted its attorney's fees in this action;
- g. That costs be awarded to ALMACO; and
- h. That ALMACO be granted such other and further relief that is just and proper under the circumstances.

**JURY TRIAL DEMAND**

Plaintiff hereby demands a trial by jury for all questions of fact raised by the issues herein.

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